

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Steven N. Terranova

Examiner: Dalencourt, Y.

Continuation of Serial No. 09/152,564, Filed 09/14/1998

Art Unit: 2635

For: **FUEL DISPENSING AND RETAIL SYSTEM FOR PROVIDING CUSTOMER  
SELECTED GUIDELINES AND LIMITATIONS**

Commissioner for Patents  
Washington, D.C. 20231

Sir:

**PRELIMINARY RESPONSE TO THE OFFICE ACTION MAILED  
DECEMBER 7, 2000 IN THE PARENT APPLICATION**

In response to the Office Action mailed December 7, 2000 in the parent application serial number 09/152,564, please amend the application as follows prior to calculating fees. If any fees are required in association with this response that are not provided for in the accompanying continuation application, the Director is hereby authorized to charge them to Deposit Account 50-1732, and consider this a petition therefor. All fees should be calculated after entry of the amendments.

**In the Specification**

Please replace the first paragraph of the specification with the following:

--This application is a Continuation of Application Serial Number 09/152,564, filed September 14, 1998, which claims the benefit of U.S. Provisional Application Serial No. 60/060,066, filed September 26, 1997.--

**In the Claims:**

Please cancel claims 4-5, 11-12, and 29-33 per election made in paper number 8 of the parent case.

Please amend claims 1 and 34 as follows:

1. (Amended) A system for providing transaction parameters in association with a remote communication unit comprising:

- a) wireless communication electronics adapted to receive signals including indicia from remote communication units;
- b) a transaction interface for carryout transactions;
- c) a control system and memory associated with said communication electronics and said transaction interface; and
- d) said control system adapted to receive the indicia from a remote communication unit and control a transaction at the transaction interface involving the remote communication unit according to predefined parameters defining a limitation or guideline for the transaction associated with a remote communication unit.

34. (Amended) A method for enforcing transaction parameters associated with a remote communication unit comprising:

- a) receiving information from a remote communication unit in association with a transaction;
- b) obtaining predefined parameters defining a limitation or guideline for the transaction associated with the remote communication unit; and
- c) controlling the transaction according to the predefined parameters.

Attached is a marked-up version of the amendments made to the application by the current response. The attachment is captioned “VERSION WITH MARKINGS TO SHOW CHANGES MADE.”

## REMARKS

Please amend the accompanying continuation application as indicated above. Claims 1-3, 6-10, 13-28, and 34-36 are pending. The cancelled claims are cancelled in light of a previous restriction requirement. In an effort to expedite prosecution, the following discussion is provided to address rejections in light of Hartsell, Jr. *et al.* or Keller asserted in the final rejection of the parent application.

Each of the pending claims was rejected as either being anticipated by either Hartsell, Jr. *et al.* or Keller, or rendered obvious in light of Keller. These rejections are traversed, and reconsideration is respectfully requested in light of the amendments clarifying the originally filed claims.

The present invention is directed to using a remote communication unit in association with a transaction occurring in a fuel dispenser or in a fuel-dispensing environment. Notably, the term “transaction” defines a financial transaction, not simply the mechanical act of delivering fuel or recovering vapors escaping a vehicle’s fuel tank during fueling. The remote communication unit includes information that either includes predefined parameters or is used to access predefined parameters associated with the remote communication unit. These predefined parameters are used to provide guidelines and limitations affecting the transaction, which may limit an amount of a transaction (Claim 6); prevent purchase of a select product (Claim 7); or limit purchase to a limited quantity of a select product (Claim 8). These purchase restrictions may prevent be used to prevent the purchase of alcohol, food, and like or an amount thereof. See the Abstract of the Invention, the Summary of the Invention, and the specification beginning on page 51, line 25 through page 53, line 12. Further, the frequency and types of purchases may be governed. The invention also provides for alerting a customer to the presence or violation of limitations (Claims 16 through 19). The prior art fails to disclose or suggest these features alone or in combination.

The examiner is reminded that a rejection under 35 USC 102 required each and every element of the claim be disclosed in a single reference. Neither Hartsell, Jr. *et al.* or Keller disclose the highlighted elements. With regard to the rejections under 35 USC 103, Keller simply discloses a particular antenna configuration for receiving identification and account information to facilitate a transaction. Nothing in Keller would motivate one of ordinary skill in the art to provide limitations or guidelines in association with a remote communication unit to

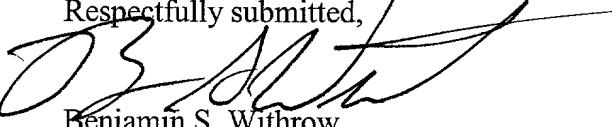
govern the transaction being carried out with the financial account information. Although a wireless transaction is disclosed, the control of the claimed invention is not taught. In contrast to the assertions of the examiner, a skilled artisan understanding a gasoline dispensing system capable of identifying and charging customers would not find controlling transactions as claimed by the application obvious.

The examiner is invited to contact the undersigned by telephone to expedite prosecution of the application. Consideration is respectfully requested. Please direct all future correspondence to the following address:

Withrow & Terranova, P.L.L.C.  
P.O. Box 1287  
Cary, NC 27512

Customer No. 27820  
Ph: (919) 654-4520  
Fax: (919) 654-4521

Respectfully submitted,

  
Benjamin S. Withrow  
Registration No. 40,876

Withrow & Terranova, P.L.L.C.  
Customer No. 27820

Date: July 24, 2001  
Attorney Docket: 2400-171A

CERTIFICATE OF EXPRESS MAILING	
I HEREBY CERTIFY THAT THIS DOCUMENT IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE "EXPRESS MAIL POST OFFICE TO ADDRESSEE" SERVICE UNDER 37 C.F.R. 1.10 AND IS ADDRESSED TO THE COMMISSIONER FOR PATENTS, BOX PATENT APPLICATION, WASHINGTON, D.C. 20231, ON	
<u>7/24/01</u> (Date of Deposit)	
<u>Jennifer Rush</u> Name of Depositor	
<u>Jennifer Rush</u> Signature	
Express Mail Label No. <u>EL855110550US</u>	

**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

In the Claims:

Please cancel claims 4-5, 11-12, and 29-33 per election made in paper number 8 of the parent case.

Please amend claims 1 and 34 as follows:

1. (Amended) A system for providing transaction parameters in association with a remote communication unit comprising:

- a) wireless communication electronics adapted to receive signals including indicia from remote communication units;
- b) a transaction interface for carryout transactions;
- c) a control system and memory associated with said communication electronics and said transaction interface; and
- d) said control system adapted to receive the indicia from a remote communication unit and control a transaction at the transaction interface involving the remote communication unit according to predefined parameters defining a limitation or guideline for the transaction associated with a remote communication unit.

34. (Amended) A method for enforcing transaction parameters associated with a remote communication unit comprising:

- a) receiving information from a remote communication unit in association with a transaction;
- b) obtaining predefined parameters defining a limitation or guideline for the transaction associated with the remote communication unit; and
- c) controlling the transaction according to the predefined parameters.